

Planning Commission
Staff Report Summary
July 07, 2005



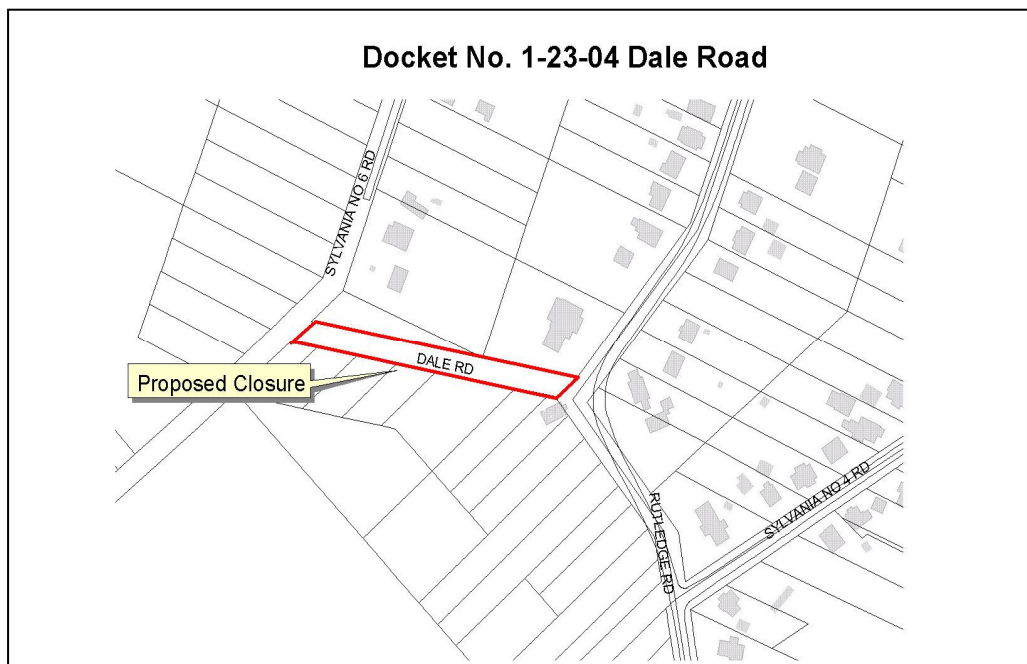
Case:	01-23-04/ Street Closure Request
Project Name:	Dale Avenue Road Closure Request
Location:	Dale Road is located in southwest Jefferson County; Greenbelt Highway area- between Rutledge and Sylvania Roads
Jurisdiction:	Louisville Metro
Council District:	12- Rick Blackwell
Case Manager:	<i>Doris J. Heyman, Associate Planner</i>

Request

The applicant requests approval of the closure of Dale Road, an unimproved 50 foot right of way \pm located between Rutledge and Sylvania Roads containing 19, 896 square feet and being in Louisville Metro.

Staff Recommendation

Staff recommends **Approval on Condition** closure Plat is modified to exclude any Dale Road frontage of the adjoining property at 6802 Rutledge Road to allow continued use of the existing drive.



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To: Louisville Metro Planning Commission
Thru: Beth Allen, Planning Coordinator
Dawn T. Warrick, AICP, Assistant Director
From: Doris Heyman, Associate Planner
Date: June 29, 2005

Docket No. 1-23-04 , Name: Dale Road Closure Request. The applicant requests approval of the closure of Dale Road, an unimproved 50 foot right of way [±] located between Rutledge Road and Sylvania Road containing 19, 896 square feet and being in Louisville Metro.

General Information

Applicant: James Walker
Representative: Same
Project Size/Area: 19, 896 square feet

Land Use / Zoning District / Form District

	Land Use	Zoning Form District	
Subject	DALE ROAD CLOSURE	R-1	NEIGHBORHOOD
Existing	Single Family Residential	R-1	Neighborhood
Surrounding			
North	Large rural undeveloped residential lots and unimproved Sylvania Road	R-1	Neighborhood
South	Large single family residential lots	R-1	Neighborhood
East	Large single family residential lots	R-1	Neighborhood
West	One single family residence and Large undeveloped rural residential lots	R-1	Neighborhood

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

Case Summary / Background

Site Context

Dale Road is located in southwest Jefferson County in proximity to the Greenbelt Highway/Greenwood Road area. Dale Road is an unimproved fifty-foot right of way dedicated in Sylvania Subdivision, Section 2, Plat and Subdivision Book 5 Page 29. It is 501.34 long and lies between Rutledge and Sylvania Roads. Site inspection on June 13, 2005, reveals a drive in the initial 30 –50 linear feet (estimated) is paved with rock. The balance of the road is filled with many mature trees, thick underbrush and vegetation. Unimproved Dale Road sits between six (6) properties, two improved with residential homes, 6714 (applicant) and 6802 Rutledge Road (adjoining property owner [apo]). 6714 has a double concrete drive and turn-around with access from Rutledge Road. 6802 Rutledge Road uses the existing rock drive located in Dale Road. A concrete walkway exists from Dale Road to the doorsteps of 6802 Rutledge Road.

The pavement of Rutledge Road does not lie on the actual dedicated right of way. Rutledge Road right of way includes a 90 (ninety) degree angle turn. The road has been paved to a much safer, softer, curve, leaving parts of Rutledge Road right of way appearing as private property.

Background

6802 Rutledge Road constructed circa 1930(?) 6714 Rutledge Road constructed in 1999. The applicant, James Walker, states the closure is requested: “So property owners can continue to maintain property. To cut weeds and grass, to keep mosquitoes, rats, and other health threats down. To deny access to trespassers while ensuring the safety of elderly property owners.”

Project History

Dale Road abuts six (6) properties. Five are Walker family (James Walker or his parents) owned. Closure of Dale Road would require consolidation of any Walker property fronting only on unimproved Dale Road. The other adjoining property owner, Elva Hollis, has about 80 feet of frontage along unimproved Dale Road. The 6802 Rutledge Road, Hollis property, sits in the ninety (90) degree turn of Rutledge Road. On the staff maps, the Hollis home appears to encroach into the unimproved angle of Rutledge Road right of way. A portion of the existing driveway is located in Dale Road. This case was presented at Land Development & Transportation on May 26, 2005.

Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)

None

Relationship to Comprehensive Plan

Chapter 5 Part 1 of the Land Use Code, Form District Regulations-General Provisions states “The form district regulations shall apply only to new construction and development, including expansions. Structures in existence prior to the effective date of this Chapter 5 shall not be required to meet the standards created herein.” The form districts apply only as they relate to the comprehensive plan elements listed under the applicable guidelines.

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Cornerstone 2020 - Policies Addressed in Plan

Policy	Description of policy	Comments
C2.4	Access & Circulation – Connected network of streets, street pattern	Staff finds that there is compatibility demonstrated in the proposed closure due to its unimproved state and alternative connectivity through other roads.
C3.1	Neighborhood District – Protect adverse impact of proposed development	Staff finds that the proposed closure adequately maintains the existing neighborhood in its current form.
Cornerstone 2020- Plan Elements		
Mobility/Trans	Guideline 6 Access to Surrounding Land Uses	Staff finds that the applicant must revise the street closure plat to ensure adequate ingress and egress for adjoining residence

Staff Findings

6802 Rutledge Road uses the existing driveway in Dale Road. This section of Dale Road must be retained to allow adequate ingress and egress. The closure plat must be modified to exclude any Dale Road frontage of 6802 Rutledge (Hollis lot) to allow continued use of the existing drive. Metropolitan Sewer District has required an easement that has been added to the street closure plat. No other utility or agency identified a current or future use for the subject right of way.

Considerations for Approval of a Street or Alley Closing

1. The considerations for closure of a street are: Adequate Public Facilities: No closure of any public right of way shall be approved where an identified current or future need for the facility exists.
2. Where existing or proposed utilities are located within the right of way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities.

Proposed Condition of Approval

1. Properties abutting **Dale Road only** must have a deed of consolidation submitted to Planning Commission Staff for review by Legal Counsel prior to recording any ordinance or deed.

Standard Conditions of Approval

1. The closure shall be in accordance with the approved closure plat and agreed upon conditions of approval unless amended by the Planning Commission.
2. All necessary easements are granted or measures must be taken that are requested by an agency, and that no construction of permanent structures shall be permitted within the easement area, and that such reservation and prohibition also be included in any litigation concerning the street closing.
3. The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of proposed project, including cost of improvements to adjacent rights-of-way and/or relocation of utilities within an existing easement

All conditions of approval stated in this report are accepted in total without exception by the entity requesting approval of this street closure.

Name

Title

Date

***Obtain signatures of applicant's representative prior to Public Hearing unless they disagree with the staff report*

Standard Of Review

The proposed street closure of Dale Road has met the requirements under Chapter 6.3.5 Street Closing of the Land Development Code.

Attached Documents / Information

1. Minutes of the Land Development & Transportation Committee
2. Agency comments on the submitted proposal
3. Site location map

Notification

Date	Description	Recipients
6/13/2005	Signs Posted for Public Hearing on Dale Road	General Public
6/10/2005	Ad Published in Courier Journal	General Public
7/01/2005	Public Hearing Notification	Adjoining Property Owners

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